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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,764	10/19/2001	Jonathan H. Metcalf	DETS:000510700.0005.NPUS0	8774

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EXAMINER

NGUYEN, KIMBERLY D

ART UNIT PAPER NUMBER

2876

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,764

Applicant(s)

METCALF ET AL.

Examiner

Kimberly D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-175 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-175 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- ☐ Interview Summary (PTO-413) Paper No(s). ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I: Claims 1-7, 34-47, 58-66 and 78-86 drawn to a method and system for determining information about a consumer prior to enabling a vending of a good or service from a machine, classified in class 235, subclass 381.

Group II: Claims 8-14, 15-24 and 25-33 drawn to an optical scanning unit, classified in class 235, subclass 454.

Group III: Claims 48-57, 67-77, 104-113 and 158-167 drawn to a method and system for accessing at least one consumer account, classified in class 235, subclass 379.

Group IV: Claims 87-93, 114-119, 150-157 and 168-175 drawn to a method and system for determining information about an individual using a form, classified in class 235, subclass 375.

Group V: Claims 94-98 and 99-103 drawn to a method for verifying the identity of a person using a terminal, classified in class 235, subclass 380.

Group VI: Claims 120-121, 122-125 and 126-128 drawn to a method for optically analyzing a test image in a system, classified in class 235, subclass 451.

Group VII: Claims 129-136, 137-141 and 142-149 drawn to a method for analyzing a form, classified in class 235, subclass 494.

2. The inventions are distinct, each from the other because of the following reasons:

3. Inventions of Group I and Group II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of

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operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different invention of Group I is in class/subclass 235/381 and Group II is in class/subclass 235/454. The invention of Group I including a method for determining information about a consumer prior to enabling the vending of a good or service from a machine. The invention of Group II including a machine for distributing goods and services to consumers comprising an optical unit. Therefore, the inventions of Group I and Group II are distinct from each other.

4. Inventions of Group I and Group III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different invention of Group I is in class/subclass 235/381 and Group III is in class/subclass 235/379. The invention of Group I including a method for determining information about a consumer prior to enabling the vending of a good or service from a machine. The invention of Group III including a method for accessing at least one consumer account by receiving a form containing information about a consumer, optically analyzing the form, and using information to electronically access the consumer account. Therefore, the inventions of Group I and Group III are distinct from each other.

5. Inventions of Group I and Group IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different invention of Group I is in class/subclass 235/381 and Group IV is in class/subclass 235/375. The invention of Group I including a method for determining

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information about a consumer prior to enabling the vending of a good or service from a machine. The invention of Group IV including a method for determining information about an individual using a form, wherein the information received from the form is analyzed/exchanged between the first and second systems. Therefore, the inventions of Group I and Group IV are distinct from each other.

6. Inventions of Group I and Group V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different invention of Group I is in class/subclass 235/381 and Group V is in class/subclass 235/380. The invention of Group I including a method for determining information about a consumer prior to enabling the vending of a good or service from a machine. The invention of Group V including a method for verifying the identity of a person using a terminal comprising receiving/analyzing optical image data and comparing the information to verify the identity of the person. Therefore, the inventions of Group I and Group V are distinct from each other.

7. Inventions of Group I and Group VI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different invention of Group I is in class/subclass 235/381 and Group VI is in class/subclass 235/451. The invention of Group I including a method for determining information about a consumer prior to enabling the vending of a good or service from a machine. The invention of Group VI including a method for optically analyzing a test image in a system

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containing a memory. Therefore, the inventions of Group I and Group VI are distinct from each other.

8. Inventions of Group I and Group VII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different invention of Group I is in class/subclass 235/381 and Group VII is in class/subclass 235/494. The invention of Group I including a method for determining information about a consumer prior to enabling the vending of a good or service from a machine. The invention of Group VII including a method for analyzing a form containing a form header and at least one cluster which contains at least one element, comprising scanning the form, electronically determining the form type by comparing the optical image of the form header, using offset data associated with the form to determine the location of a cluster and assessing at least one element within the cluster. Therefore, the inventions of Group I and Group VII are distinct from each other.

9. Inventions of Group II and Group III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different invention of Group II is in class/subclass 235/454 and Group III is in class/subclass 235/379. The invention of Group II including a machine for distributing goods and services to consumers comprising an optical unit. The invention of Group III including a method for accessing at least one consumer account by receiving a form containing information about a consumer, optically analyzing the form, and using information to electronically access

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the consumer account. Therefore, the inventions of Group II and Group III are distinct from each other.

10. Inventions of Group II and Group IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different invention of Group II is in class/subclass 235/454 and Group IV is in class/subclass 235/375. The invention of Group II including a machine for distributing goods and services to consumers comprising an optical unit. The invention of Group IV including a method for determining information about an individual using a form, wherein the information received from the form is analyzed/exchanged between the first and second systems. Therefore, the inventions of Group II and Group IV are distinct from each other.

11. Inventions of Group II and Group V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different invention of Group II is in class/subclass 235/454 and Group V is in class/subclass 235/380. The invention of Group II including a machine for distributing goods and services to consumers comprising an optical unit. The invention of Group V including a method for verifying the identity of a person using a terminal comprising receiving/analyzing optical image data and comparing the information to verify the identity of the person. Therefore, the inventions of Group II and Group V are distinct from each other.

12. Inventions of Group II and Group VI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of

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operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different invention of Group II is in class/subclass 235/454 and Group VI is in class/subclass 235/451. The invention of Group II including a machine for distributing goods and services to consumers comprising an optical unit. The invention of Group VI including a method for optically analyzing a test image in a system containing a memory. Therefore, the inventions of Group II and Group VI are distinct from each other.

13. Inventions of Group II and Group VII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different invention of Group II is in class/subclass 235/454 and Group VII is in class/subclass 235/494. The invention of Group II including a machine for distributing goods and services to consumers comprising an optical unit. The invention of Group VII including a method for analyzing a form containing a form header and at least one cluster which contains at least one element, comprising scanning the form, electronically determining the form type by comparing the optical image of the form header, using offset data associated with the form to determine the location of a cluster and assessing at least one element within the cluster.

Therefore, the inventions of Group II and Group VII are distinct from each other.

14. Inventions of Group III and Group IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different invention of Group III is in class/subclass 235/379 and Group IV is in class/subclass 235/375. The invention of Group III including a method for accessing at least one

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consumer account by receiving a form containing information about a consumer, optically analyzing the form, and using information to electronically access the consumer account. The invention of Group IV including a method for determining information about an individual using a form, wherein the information received from the form is analyzed/exchanged between the first and second systems. Therefore, the inventions of Group III and Group IV are distinct from each other.

15. Inventions of Group III and Group V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different invention of Group III is in class/subclass 235/379 and Group V is in class/subclass 235/380. The invention of Group III including a method for accessing at least one consumer account by receiving a form containing information about a consumer, optically analyzing the form, and using information to electronically access the consumer account. The invention of Group V including a method for verifying the identity of a person using a terminal comprising receiving/analyzing optical image data and comparing the information to verify the identity of the person. Therefore, the inventions of Group III and Group V are distinct from each other.

16. Inventions of Group III and Group VI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different invention of Group III is in class/subclass 235/379 and Group VI is in class/subclass 235/451. The invention of Group III including a method for accessing at least one

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consumer account by receiving a form containing information about a consumer, optically analyzing the form, and using information to electronically access the consumer account. The invention of Group VI including a method for optically analyzing a test image in a system containing a memory. Therefore, the inventions of Group III and Group VI are distinct from each other.

17. Inventions of Group III and Group VII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different invention of Group III is in class/subclass 235/379 and Group VII is in class/subclass 235/494. The invention of Group III including a method for accessing at least one consumer account by receiving a form containing information about a consumer, optically analyzing the form, and using information to electronically access the consumer account. The invention of Group VII including a method for analyzing a form containing a form header and at least one cluster which contains at least one element, comprising scanning the form, electronically determining the form type by comparing the optical image of the form header, using offset data associated with the form to determine the location of a cluster and assessing at least one element within the cluster. Therefore, the inventions of Group III and Group VII are distinct from each other.

18. Inventions of Group IV and Group V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different invention of Group IV is in class/subclass 235/375 and Group V is in

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class/subclass 235/380. The invention of Group IV including a method for determining information about an individual using a form, wherein the information received from the form is analyzed/exchanged between the first and second systems. The invention of Group V including a method for verifying the identity of a person using a terminal comprising receiving/analyzing optical image data and comparing the information to verify the identity of the person. Therefore, the inventions of Group IV and Group V are distinct from each other.

19. Inventions of Group IV and Group VI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different invention of Group IV is in class/subclass 235/375 and Group VI is in class/subclass 235/451. The invention of Group IV including a method for determining information about an individual using a form, wherein the information received from the form is analyzed/exchanged between the first and second systems. The invention of Group VI including a method for optically analyzing a test image in a system containing a memory. Therefore, the inventions of Group IV and Group VI are distinct from each other.

20. Inventions of Group IV and Group VII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different invention of Group IV is in class/subclass 235/375 and Group VII is in class/subclass 235/494. The invention of Group IV including a method for determining information about an individual using a form, wherein the information received from the form is analyzed/exchanged between the first and second systems. The invention of Group VII

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including a method for analyzing a form containing a form header and at least one cluster which contains at least one element, comprising scanning the form, electronically determining the form type by comparing the optical image of the form header, using offset data associated with the form to determine the location of a cluster and assessing at least one element within the cluster. Therefore, the inventions of Group IV and Group VII are distinct from each other.

21. Inventions of Group V and Group VI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different invention of Group V is in class/subclass 235/380 and Group VI is in class/subclass 235/451. The invention of Group V including a method for verifying the identity of a person using a terminal comprising receiving/analyzing optical image data and comparing the information to verify the identity of the person. The invention of Group VI including a method for optically analyzing a test image in a system containing a memory. Therefore, the inventions of Group V and Group VI are distinct from each other.

22. Inventions of Group V and Group VII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different invention of Group V is in class/subclass 235/380 and Group VII is in class/subclass 235/494. The invention of Group V including a method for verifying the identity of a person using a terminal comprising receiving/analyzing optical image data and comparing the information to verify the identity of the person. The invention of Group VII including a method for analyzing a form containing a form header and at least one cluster which contains at

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least one element, comprising scanning the form, electronically determining the form type by comparing the optical image of the form header, using offset data associated with the form to determine the location of a cluster and assessing at least one element within the cluster.

Therefore, the inventions of Group V and Group VII are distinct from each other.

23. Inventions of Group VI and Group VII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different invention of Group VI is in class/subclass 235/451 and Group VII is in class/subclass 235/494. The invention of Group VI including a method for optically analyzing a test image in a system containing a memory. The invention of Group VII including a method for analyzing a form containing a form header and at least one cluster which contains at least one element, comprising scanning the form, electronically determining the form type by comparing the optical image of the form header, using offset data associated with the form to determine the location of a cluster and assessing at least one element within the cluster. Therefore, the inventions of Group VI and Group VII are distinct from each other.

24. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

25. Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 703-305-1798. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-8792.

KDN
November 15, 2002



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